



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES AUGUST 22, 2006

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Donald Kennedy, Jack H. Knapp Jr., Robert Melillo, and Alternate Joseph Notaro, Jr. Also present was Planning Director Dennis Elpern.

Absent were Richard P. Jowdy and Alternates Jean Anderson and Victoria Hickey.

Chairman Knapp asked Mr. Notaro to take Mr. Jowdy's place for the items on tonight's agenda.

Mr. Farah led the Commission in the Pledge Of Allegiance.

Mr. Melillo made a motion to accept the minutes of July 25, 2006. Mr. Farah seconded the motion and it was passed unanimously. Mr. Melillo made a motion to table the minutes of August 8, 2006 minutes. Mr. Farah seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS:

7:30 PM – Petition of WCI Communities Inc. to Revise the Master Plan for the Reserve which was originally approved November 26, 2002 and revised September 28, 2004. (Amend Sec. 14d - Stormwater Management and Public Utilities)

Mr. Haddad excused himself as he is abstaining from this matter.

Ms. Hoffstaetter read the legal notice. Chairman Knapp read the Planning Dept. Staff Report dated August 16, 2006. Mr. Farah read the Planning Commission recommendation, which was positive.

Attorney Paul Jaber spoke in favor of this petition. He explained that this proposal is for a revision to the Master Plan, which was approved November 26, 2002 and revised September 28, 2004. He said the parcels have been conveyed out to several developers and will be developed in accordance with the Master Plan as amended. This proposal is simply to modify Section 14d only to provide for portions of the property to be serviced by overhead utilities as shown on the attached map. He said the Master Plan (as revised through September 28, 2004) remains in conformance with the Plan of Development and Conservation of the City of Danbury as well as the PND Regulations. He said service for electric, telephone, cable, fiber optic and DSL will be provided by underground conduit within Milestone Road and parts of Woodland Road and

Reserve Road, and by overhead lines within remaining parts of Reserve Road and Woodland Road and within Reserve Road Extension. These private roads are the major roads of the Reserve development and do not include interior access roads for each neighborhood phase. The main reason for the proposed amendment is to control cost. Mrs. Buzaid asked how many miles will be underground versus above ground. Attorney Jaber said about half a mile would be overhead. Mr. DiCaprio asked what other compelling reason is there for them to change this besides the cost factor. John Dolan of WCI then said Northeast Utilities (CL & P) is requiring an extremely complex infrastructure and they are not willing to change it, so the developer needs to make this small change in order to be able to satisfy CL & P's requirements. Mr. Elpern asked for a letter explaining the relationship between Woodland Group II and WCI. Attorney Jaber said he would provide it, but basically Woodland Group II has sold their interest in this site to WCI and WCI is going to develop it.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Mr. Haddad returned to the meeting at this time.

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7:45 PM – Petition of Ervie S. Hawley to Amend Sec. 8.C.4.c.(11a) of the Zoning Regulations.
(Amend Required Off Street Parking Spaces for Medical Offices)

Ms. Hoffstaetter read the legal notice. Chairman Knapp read the Planning Dept. Staff Report dated July 25, 2006. Mr. Farah read the Planning Commission recommendation, which was positive. Chairman Knapp also noted that several letters were received from various medical practices in the City in favor of this petition: Danbury Surgical Associates, Danbury Eye Physicians & Surgeons, The Center for Digestive Diseases, Dr. Anton Fry, CT Family Orthopedics and Danbury Hospital. He added that each of the Commission members was given copies of these letters in their packet.

Attorney Paul Jaber spoke in favor of this petition. Attorney Jaber said the requirements for medical office parking were changed because in the early 1980's, it became apparent that the professional office requirement was not adequate for medical. He said buildings that were approved prior to 1983 are legal non-conforming and will remain that way. Any change of use in an existing building has to comply with the current regulations. He read the definition of medical office into the record and said hospitals are a separate use with a separate calculation. He said they had hired Henry Dittman from Barkan & Mess to prepare a traffic report based on the use and it had been submitted with this petition. Mr. Dittman explained how they reviewed the other communities as well as industry standards to determine if this needed to be changed. Mrs. Buzaid asked if these figures include the employees. Mr. Dittman they do. Chairman Knapp asked why 125 instead of 150? Mr. Dittman said they did not want to create any non-conformities in the existing medical buildings. Attorney Jaber then said none of the selected properties had any variances for landscaping or reduction in the number of spaces.

Dr. Showah, said he has a medical building on 16 Hospital Ave. which was built before the Regulations were changed. He added that he has always thought the medical parking

requirement was just too much and he is glad Mr. Hawley decided to try to change it. He added that he is glad he built his building before this requirement was in place.

Chairman Knapp asked if there was anyone to speak in opposition to the petition and one person came forward.

Lynn Waller, 83 Highland Ave., said being handicapped makes it difficult to park at many of the medical offices in Danbury. She said it is not about square footage or how many parking places; it is about how many doctors there are in the practice. She said medical offices should have additional handicapped spaces as they are always full. She added that there also should be bigger parking spaces for bigger vehicles. She said since this will affect all of the medical offices in Danbury, the Commission should consider the patients as well as the property owner. She said most of the time she can park at the Hawley buildings, but they don't own all of the medical offices in Danbury.

Attorney Jaber chose not to make any rebuttal comments to Mrs. Waller's comments.

Mr. Elpern then said assigning parking requirements is not a science. They try to find a reasonable number based on local conditions. He said this will not affect handicapped spaces, as they are set by BOCA and that is in addition to whatever is required by zoning. He said all site plans are referred to the Building Dept. for review and that is one of the major things they look at.

Mr. Farah asked if this will affect all medical offices even the existing ones that don't meet the requirements. Mr. Elpern said no, they will not change what is existing. He then added that the problem with basing this requirement on the number of doctors is that the number of doctors can change and some specialties may demand more doctors than other offices. We can't really regulate this because it can change from year to year. He said the only constant is the square footage of the building. Mr. Melillo asked if buildings built after 1983 would be held to the 1 per 100 or would it be relaxed and if handicapped parking is added in after the regular parking calculation is done then won't all buildings have more than what is required. Mr. Elpern said yes, it usually is that way for large projects. Mr. Haddad said whether they approve this or not, it will not affect the problems Mrs. Waller is facing now. Mr. Elpern said this is a relaxation of the regulations, what building is going to increase their present size because they can increase their parking by twenty spaces? He said it will affect any new construction though. He then suggested they take into account that all businesses want customers but if they cannot provide parking then they will lose customers. He reiterated that this is not a science; they try to come up with a reasonable number. This is not a radical change and if it does not work out, we can change it back.

Ms. Hoffstaetter made a motion to close the public hearing. Mr. Notaro seconded the motion and it was passed unanimously. Ms. Hoffstaetter made a motion to move this matter to Old Business. Mr. Notaro seconded that motion and it was passed unanimously.

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OLD BUSINESS:

Petition of Ervie S. Hawley to Amend Sec. 8.C.4.c.(11a) of the Zoning Regulations. (Amend Required Off Street Parking Spaces for Medical Offices)

Chairman Knapp said they had heard this earlier this evening. He asked for a motion and/or discussion. Ms. Hoffstaetter made a motion to approve this petition for the following reasons

- The applicant has submitted a detailed report prepared by Barkan & Mess Traffic Engineers and the Deputy Planning Director has compared our requirements with other municipalities in CT (as documented in the Planning Dept. Staff Report). Since there is no standard parking ratio consistently utilized nationwide for medical offices and because the ratios provided in many municipalities in CT are more conservative than what is being proposed in this petition, this seems to be reasonable request.

Mr. Melillo seconded the motion. Mr. DiCaprio said he feels it is the intensity of the business rather than the number of parking spaces that is really the problem. The intensity of the business is what drives the parking lot to capacity. Ms. Hoffstaetter added that measuring intensity is tough. Mr. Elpern said again basing this on how many doctors there are opens up a whole new set of questions such as, how many patients do they see in an hour? These things can change, that's the problem. We cannot monitor it and how do you count paramedics, physicians' assistants and RN's? He said logically Mr. DiCaprio is right, but in a practical world it will not work.

Chairman Knapp called a roll call vote and the motion to approve this petition was passed with eight AYES and one NAY (from Mr. Notaro).

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NEW BUSINESS:

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 5.G.3., 5.G.4., 5.G.6., 5.G.7. & 5.G.8. of the Zoning Regulations. (Amend CRP Zone). *Public hearing scheduled for September 26, 2006.*

Mr. Melillo made a motion to formally refer this petition to the Planning Commission as an 8-3a referral. Mr. DiCaprio seconded the motion and it was passed unanimously by voice vote.

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The Correspondence listed five Cease & Desist Orders and the For Reference Only listed the public hearing scheduled for September 12, 2006.

At 9:15 PM, Mr. DiCaprio made a motion to adjourn. Mr. Melillo seconded the motion and it was passed unanimously.